

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

VICTOR RESTIS and ENTERPRISES SHIPPING
AND TRADING, S.A.,

Plaintiffs,

Against

AMERICAN COALITION AGAINST
NUCLEAR IRAN, INC., a/k/a UNITED
AGAINST NUCLEAR IRAN, MARK D.
WALLACE, DAVID IBSEN, NATHAN
CARLETON, DANIEL ROTH, MARTIN
HOUSE, MOLLY LUKASH, LARA PHAM, and
DOES 1-10,

Defendants.

UNITED STATES OF AMERICA,

Intervenor.

No. 13-cv-5032 (ER) (KNF)

**DEFENDANTS' SUPPLEMENT TO
DEFENDANTS' MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFFS'
MOTION TO COMPEL THE UNITED STATES AND DEFENDANTS TO PROVIDE
ADDITIONAL INFORMATION RELATING TO THE ASSERTION OF THE STATE
SECRETS PRIVILEGE AND OPPOSING DISMISSAL OF THE CASE**

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SUPPLEMENT

Defendants, American Coalition Against Nuclear Iran, Inc. a/k/a United Against Nuclear Iran (“UANI”), Ambassador Mark D. Wallace, et al. (collectively, “Defendants”), submit this Supplement to their Memorandum of Law in Opposition to Plaintiffs’ Motion to Compel the United States and Defendants to Provide Additional Information Relating to the Assertion of the State Secrets Privilege and Opposing Dismissal of the Case filed November 19, 2014 [ECF No. 299] (“UANI’s Opposition Memorandum”). Defendants’ Supplement is based on new evidence made available after the filing of UANI’s Opposition Memorandum.

In the Second Amended Complaint, Plaintiffs claim they suffered in excess of \$3 billion in damages as a result of the Defendants’ allegedly defamatory statements. Plaintiffs have now admitted to a Greek court that they suffered no reputational and no economic damage as a result of Defendants’ allegedly defamatory statements and that their business has, in fact, been thriving even after Defendants made their statements. Attached hereto as Exhibit 1 is a memorandum of law that Victor Restis filed in a civil lawsuit pending in Athens, Greece, together with a certified translation of the salient portion.¹

Paragraph 7 of the memorandum filed on behalf of Victor Restis reads in pertinent part:

I personally was not affected by this defamatory “history”, since the specific organization [UANI] is fully discredited, which is also obvious from the fact that the very large oil companies continue to trust our name and companies, as new transport contracts are being created, in this so very sensitive sector.

Restis’ admission that Plaintiffs suffered neither reputational nor economic damage as a result of the Defendants’ allegedly defamatory statements confirms that Plaintiffs cannot be entitled to injunctive relief, which requires a finding of “the absence of an adequate remedy at

¹ Defendants first learned about this memorandum of law on November 21, 2014. Exhibit 1 contains a translation of the first page, Paragraph 7 on pages 80-81, and the last page of the original Greek document.

law and irreparable harm if the relief is not granted.” *Roach v. Morse*, 440 F.3d 53, 56 (2d Cir. 2006). It goes without saying that without actual injury, Plaintiffs cannot be entitled to injunctive relief.

CONCLUSION

For the foregoing reasons, the Court should deny Plaintiffs’ Motion to Compel the United States and Defendants to Provide Additional Information Relating to the Assertion of the State Secrets Privilege and Opposing Dismissal of the Case [ECF No. 291-93].

Dated: November 26, 2014

Respectfully Submitted,

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